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Notice of Allowability

Application No.

09/734,917

Examiner

Satish S. Rampuria

Applicant(s)

GOODMAN, BRIAN GERARD

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/21/05.
2. ☒ The allowed claim(s) is/are 1, 2, 7-11, 16-18, 23, 24, 28, 29 and 35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This action is in response to the amendment received on 07/21/2005.
2. Claims cancelled by the applicant: 3-6, 12-15, 19-22, 25-27 and 30-34.
3. Claims amended by the applicant: 1,2, 7-11, 16-18, 23-24, 28-29 and 35.
4. Claims allowed in the application: 1, 2, 7-11, 16-18, 23-24, 28-29 and 35.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

As pointed out by the Applicants in the Remark that the cited prior art (Barrett et al. [6,023,727] and Shah et al. [6,269,396]) taken alone or in combination fail to teach, in combination with the other claimed limitations, *"plurality of processors... comprising a non-volatile memory configured to store program code of a minimally operational state, said program code comprising only boot program code, said minimally operational state absent an operating code image required to become fully operational, said boot program code sufficient to operate said processor to provide a code image request... said operating code image configured to place said processor in a fully operational state; said processors, when in said minimally operational state, employing said boot program code to request said operating code image from said network by means of said code image request... said master source, upon receiving said code image request, waiting a predetermined time period, said predetermined time period allowing any additional said processor to reach said minimally operational state, and, upon completion of said predetermined time period, broadcasting said operating code image on said network"* as recited in such a manner in the independent claims 1, 23 and 35.

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As pointed out by the Applicants in the Remark that the cited prior art (Barrett et al. [6,023,727] and Shah et al. [6,269,396]) taken alone or in combination fail to teach, in combination with the other claimed limitations, a method for providing a code image for processing nodes of a multi-node network of processors *“at least... processor... in a minimally operational state employing program code comprising only boot program code, said boot program code sufficient to provide a code image request... said minimally operational state said operation code image required to become fully operational... a master source, upon receiving said code image request, waiting a predetermined time period, said predetermined time period allowing any additional said processor to reach said minimally operational state... upon completion of said predetermined time period, broadcasting said operating code image on said network”* as recited in such a manner in the independent claim 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satish S. Rampuria whose telephone number is (571) 272-3732. The examiner can normally be reached on 8:30 am to 5:00 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner/Software Engineer
Art Unit 2191
10/17/2005


WEI Y. ZHEN
PRIMARY EXAMINER

10/17/2005